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U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA-1 PM 3:53

ELLOUISE PEPION COBELL, et al.,

Plaintiffs,

v.

GALE A. NORTON, Secretary of the Interior, et al.,

Defendants.

NANCY M.  
MAYER-WHITTINGTON  
CLERK

Case No. 1:96CV01285  
(Judge Lamberth)

INTERIOR DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL  
EXCERPTS FROM TESTIMONY BEFORE SPECIAL MASTER TO PROVIDE  
ADDITIONAL INFORMATION RELEVANT TO INTERIOR DEFENDANTS'  
MOTION TO REVOKE THE APPOINTMENT OF JOSEPH S. KIEFFER, III,  
AND TO CLARIFY THE ROLE AND AUTHORITY OF A COURT MONITOR

Pursuant to Local Civil Rule 5.1(j), Interior Defendants respectfully move this Court for an Order permitting the filing under seal of excerpts from testimony taken by the Special Master during July 2002, pursuant to the Special Master's protective order dated May 9, 2002. A copy of the protective order is appended to this motion as Attachment A. Counsel for the Government discussed this motion with plaintiffs' counsel, Mr. Gingold, on August 1, 2002, and Mr. Gingold stated that this motion would not be opposed by plaintiffs.

The testimony excerpts referenced in this motion are from interviews conducted by the Special Master. The interviews are subject to the Special Master's protective order dated May 9, 2002, which provides that "[t]he Special Master has . . . determined that information may come to light during these interviews that is sensitive and confidential and should not be publicly disclosed." Attachment A (initial paragraph). The protective order further provides:

Transcripts of the . . . interviews shall be distributed, upon written request, only to the deponent, counsel representing the deponent in

his or her personal capacity, counsel representing the deponent in his or her official capacity, one official of the Department of the Interior who shall be designated in advance, plaintiffs' counsel and immediate staff and one named plaintiff who shall be designated in advance.

Attachment A, paragraph 1. Finally, the protective order provides that "[t]he content of the . . . interviews, in form or in substance, shall not be discussed with or revealed to any persons or entities not specifically designated in Paragraph 1 of this Order." Attachment A, paragraph 4.

The Interior Defendants have appended to this motion excerpts from testimony taken by the Special Master during July 2002, designated as Attachment B. In accordance with the May 9, 2002 protective order, Attachment B does not appear in the publicly filed version of this motion. The Interior Defendants seek to file these excerpts to provide the Court with additional information of relevance to matters advanced in the Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor (filed June 14, 2002).

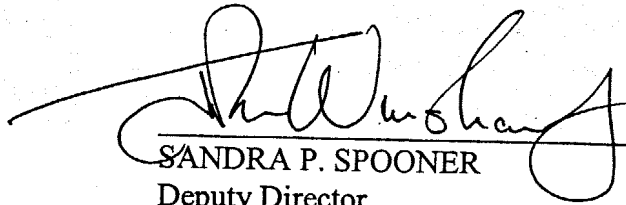
For the foregoing reasons, the Interior Defendants respectfully request that this Court grant Interior Defendants' Unopposed Motion to File Under Seal Excerpts From Testimony Before Special Master to Provide Additional Information Relevant to Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor.

Respectfully submitted,

ROBERT McCALLUM, JR.  
Assistant Attorney General

STUART E. SCHIFFER  
Deputy Assistant Attorney General

J. CHRISTOPHER KOHN  
Director



SANDRA P. SPOONER

Deputy Director

JOHN T. STEMPLEWICZ

Senior Trial Attorney

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Trial Attorney

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Telephone: (202) 514-7194

August 1, 2002

ELUISE PEPION COBELL, et al.,

V.

Defendants.

**ROYCE C. LAMBERTH**  
United States District Judge

CERTIFICATE OF SERVICE

I declare under penalty of perjury that, on August 1, 2002 I served the foregoing *Interior Defendants' Unopposed Motion to File under Seal Excerpts from Testimony Before Special Master to Provide Additional Information Relevant to Interior Defendants' Motion to Revoke the Appointment of Joseph S. Kieffer, III, and to Clarify the Role and Authority of a Court Monitor*, by hand upon:

Keith Harper, Esq.  
Native American Rights Fund  
1712 N Street, N.W.  
Washington, D.C. 20036-2976

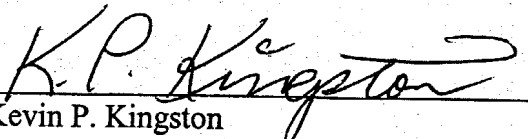
Dennis M Gingold, Esq.  
Mark Kester Brown, Esq.  
1275 Pennsylvania Avenue, N.W.  
Ninth Floor  
Washington, D.C. 20004

Alan L. Balaran, Esq.  
Special Master  
1717 Pennsylvania Avenue, N.W.  
12th Floor  
Washington, D.C. 20006

Joseph S. Kieffer, III  
Court Monitor  
420 - 7<sup>th</sup> Street, N.W.  
Apartment 705  
Washington, D.C. 20004

By U.S. Mail upon:

Elliott Levitas, Esq.  
1100 Peachtree Street, Suite 2800  
Atlanta, GA 30309-4530

  
Kevin P. Kingston

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**ELOUISE PEPION COBELL, et al.,**

**Plaintiffs,**

Y.

GALE NORTON, Secretary of the  
Interior, et al.

**Defendants.**

)  
 )  
 )  
 )  
 ) Civil Action No. 1:96CV01285 (RCL)

## ACKNOWLEDGMENT

The undersigned hereby acknowledges that I have reviewed and understand the attached Protective Order and agree to be subject to its requirements.

DATE: \_\_\_\_\_

**ATTACHMENT B –**  
**NOT INCLUDED IN PUBLICLY**  
**FILED COPY OF MOTION**

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

ELOUISE PEPION COBELL, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:96CV01285 (RCL)
	)	
GALE NORTON, Secretary of the Interior, et al.	)	
	)	
Defendants.	)	
	)	

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**PROTECTIVE ORDER**

The Special Master has determined that, as part of his investigation into the security of the Department of the Interior's computer systems housing individual Indian trust data, it will be necessary to interview members of the Trust Management Improvement Program Steering Committee ("TMIPSC"). The Special Master has also determined that information may come to light during these interviews that is sensitive and confidential and should not be publicly disclosed. Accordingly, it is hereby ORDERED that:

1. Transcripts of the TMIPSC interviews shall be distributed, upon written request, only to the deponent, counsel representing the deponent in his or her personal capacity, counsel representing the deponent in his or her official capacity, one official of the Department of the Interior who shall be designated in advance, plaintiffs' counsel and immediate staff and one named plaintiff who shall be designated in advance.

Attachment A

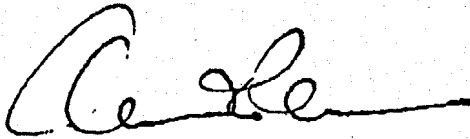
Interior Defendants' Unopposed Motion to File under S  
Excerpts from Testimony Before Special Master to Prov  
Additional Information Relevant to Interior Defendant  
Motion to Revoke the Appointment of Joseph S. Kieffer,  
and to Clarify the Role and Authority of a Court Monit



2. All persons designated in Paragraph 1, prior to receiving a copy of a TMIPSC interview transcript, shall sign an acknowledgment that he or she has read and understands this Protective Order and agrees to be bound by its requirements.
3. These transcripts shall not be duplicated without the prior written approval of the Special Master.
4. The content of the TMIPSC interviews, in form or in substance, shall not be discussed with or revealed to any persons or entities not specifically designated in Paragraph 1 of this Order.
5. Purposefully making or causing the unauthorized disclosure of the TMIPSC interview transcripts or information contained therein may subject the person or persons committing the same to punishment for contempt of Court.
6. At the conclusion of this litigation, all TMIPSC transcripts shall be turned over to the Special Master for disposal.

SO ORDERED.

May 9, 2002

  
\_\_\_\_\_  
ALAN L. BALARAN  
Special Master

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**ELOUISE PEPION COBELL, et al.,**

**Plaintiffs,**

Y.

**GALE NORTON, Secretary of the Interior, et al.**

**Defendants.**

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## ACKNOWLEDGMENT

The undersigned hereby acknowledges that I have reviewed and understand the attached Protective Order and agree to be subject to its requirements.

DATE: \_\_\_\_\_

**ATTACHMENT B –**

**NOT INCLUDED IN PUBLICLY  
FILED COPY OF MOTION**